

REMARKS

Claims 1 and 5-13 are pending.

Claim 1 has been amended to recite the subject matter of canceled claims 2 and 4.

No new matter has been added by way of the above-amendment.

Claim Objections

The Examiner objects to claim 4 under 37 CFR 1.75(c), as being of improper dependent form. Applicants respectfully submit that this objection is rendered moot in view of the cancellation of claim 4.

Issues Under 35 USC 112, Second Paragraph

Claims 1-2 and 4-13 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Applicants respectfully traverse the rejection.

Specifically, the Examiner objects to the fact that claims 1 and 2 do not define "n". The Examiner states: "For examination purpose, n is considered as an integral larger than 1."

Applicants respectfully submit that the Examiner's interpretation is correct in that "n" has been included in the formula to indicate that the portion of the polymer within the parenthesis is a repeat unit of the backbone of the polymer. For further clarification, Applicants have amended claim 1 to recite that the number average molecular weight of the polymer ranges from 1,000 to 1,000,000. In view of the fact that claim 1 particularly points out and distinctly claims the subject matter which Applicants regard as the invention, the requirements of 35 USC 112, second paragraph have been met. Reconsideration and withdrawal of the rejection are respectfully requested.

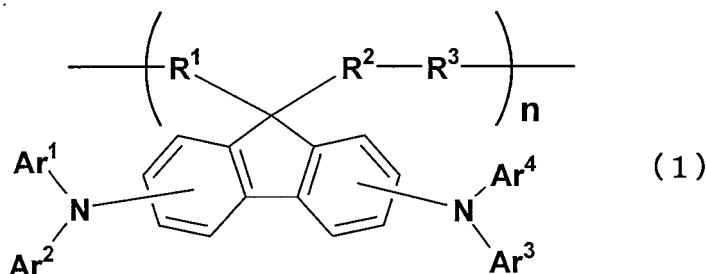
Issues under 35 USC §102 (b) and 103(a)

The following prior art based rejections are pending:

- (A) Claims 1-2, 4, and 7-8 rejected under 35 U.S.C. 102(b) as being anticipated by Ong et al. (US 5,034,296);
- (B) Claims 5-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Ong et al. in view of Yamada et al. (WO 2003/094578) (English equivalent of US 7,358,660); and
- (C) Claims 1-2 and 7-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Miki et al. (JP 2002179630A) in view of Ong et al.

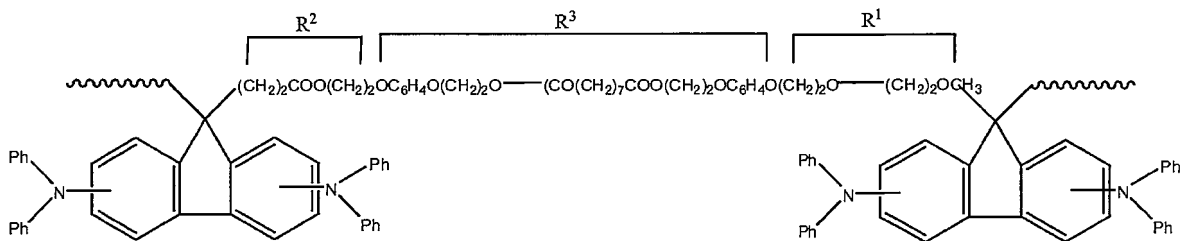
Applicants respectfully traverse the rejections.

The inventive charge transporting compound is composed of a polymer having a structure of the following formula (1)



wherein R^3 represents a divalent organic group having a phenoxy group at opposite ends thereof and R^1 and R^2 respectively represent a divalent benzene, alkane or aralkane. As can be seen from the data in the present specification, an organic electroluminescent element can be readily obtained as ensuring a low drive voltage by using the inventive charge transporting compound having the above formula (1).

In the outstanding Office Action, the Examiner alleges that Ong et al. anticipate the presently claimed invention, since the following structure meets the inventive claims:



However, the Examiner will note that this structure of Ong et al does not meet the presently claimed invention, since the polymer of inventive formula (1) has R^1 and R^2 independently

selected from a divalent benzene, alkane or aralkane, whereas this structure of Ong et al. has an ether and an ester for R¹ and R², respectively.

Accordingly, there are significant patentable distinctions between the teachings of Ong et al. and the inventive charge-transporting compound.

With respect to claims 5-6, the Examiner relies on Yamada et al. for teaching an electron acceptor compound. Applicants respectfully submit that Yamada et al. do not cure the deficiencies of Ong et al. as discussed above. As such, significant patentable distinctions exist between the combined teachings of Ong et al. and Yamada et al. and the presently claimed invention.

With respect to claims 1-2 and 7-13, the Examiner relies on the combination of Miki et al. and Ong et al. The Examiner states that Miki et al. disclose a polyamino-fluorene derivative for use as a charge-transporting material in an organic EL element.

However, the compound of Miki et al. is not a polyfluorene derivative but a polyamine derivative having a relatively low molecular weight.

Therefore, those skilled in the art would not be motivated to use a fluorene polymer based on the teachings of the polyamine compound of Miki et al. Furthermore, the Examiner relies on Ong et al. for teaching the polymer of inventive formula (1). However, as noted above, Ong et al. do not teach the presently claimed invention, since the polymer of inventive formula (1) has R¹ and R² independently selected from a divalent benzene, alkane or aralkane, whereas this structure of Ong et al. has an ether and an ester for R¹ and R², respectively.

Based on the foregoing, significant patentable distinctions exist between the present invention and the teachings of Ong et al, Yamada et al. and Miki et al. Reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

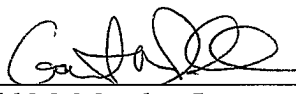
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, PhD, Registration No. 43575 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

December 18, 2009

Dated: _____

Respectfully submitted,

By  #43,575
Gerald M. Murphy, Jr. *fo/*
Registration No.: 28977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000